

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 002124

SIPDIS

SIPDIS

E.O. 12958: DECL: 04/10/2016

TAGS: [PGOV](#) [PHUM](#) [TH](#) [SNAP](#)

SUBJECT: THAILAND POLITICAL UPDATE - RESULTS, RESULTS, COME AND GET THEM!

Classified By: Political Counselor Susan M. Sutton reason 1.4 (b) (d)

1. (C) SUMMARY: The Election Commission (EC) has not yet released official election results, more than one week after election day. The press have carried unofficial results for the April 2 elections, declaring the Thai Rak Thai (TRT) Party the winner of the party-list candidates and confirming that 39 constituencies would hold by-elections on April 23. Candidate registrations for this second round of elections took place over the weekend, and TRT candidates who failed to reach 20% support during the first go will now face opponents from other microparties. There are at least 11 constituencies in the South in which TRT candidates will run unopposed, making it almost impossible for the election to have a successful outcome. Meanwhile, controversies swirl over both the April 2 election and the April 23 repeat voting. The Democrat Party is crying foul over the "mis-positioning" of voting booths, the registration of new candidates, and the subsequent "constituency-hopping" by six microparties during candidate registration. They and the PAD have filed complaints with the Administrative Court and some even hope to have the elections annulled. The Administrative Court may announce a decision on registration of additional candidates as early as April 12. Altogether, these are significant obstacles to the seating of a new Parliament by early May. End Summary.

ROUND ONE

2. (U) The Election Commission has not released official election results from the April 2 polling. Responding to repeated inquiries, they have said only that they are carefully checking the results. They have already announced the need for a complete re-vote in Samuk Sakhon, a province close to Bangkok, where the number of ballots and the number of voters do not match. Scattered press accounts have alleged similar discrepancies in other places, but no firm information is yet available.

3. (U) In the Thai system, voters cast two ballots, one for a constituency race (400 seats), and one for the national "party list" (100 seats). Attention is focused particularly on the party list vote, which was seen as the closest measure of Thai Rak Thai (TRT) and Thaksin support. The press accounts of the results differ as to the raw numbers, as well as showing apparent arithmetic mistakes, as some of the numbers do not add up as presented. On April 6, the press carried unofficial results of the party list vote, based on a press conference given by an Election Commissioner. Until the Election commission provides official results, these are the best numbers we have:

| PARTY LIST | (millions) | (Percent) |
|---------------------|------------|---------------------------------|
| Total voters | 29.16 | (64.5 of total eligible voters) |
| TRT Party list | 16.20 | (55.8) |
| "no-vote" votes | 9.10 | (31) |
| Spoiled ballots | 1.78 | (6) |
| Other small parties | 1.72 | (5) |

(Note: the four elements listed do not total 29.16 million. These are presented as reported.)

4. (U) A separate press report, not sourced directly to the Election Commission and of unknown origin, gave the following results for the constituency race:

| CONSTITUENCY | (millions) | (Percent) |
|-----------------|------------|----------------------------------|
| Total voters | 28.77 | (63.7 percent of total eligible) |
| TRT Candidates | 15.4 | (53.5) |
| "no-vote" | 9.2 | (31.9) |
| spoiled ballots | 3.5 | (12.2) |

This source did not list a result for smaller parties, but based on the above, we can estimate:

Other small parties (est.).67 (2.3)

ROUND TWO

15. (SBU) 38 re-votes are required across 16 provinces, mostly in the South, but including two in the Central region. In addition to the repeat voting in Samuk Sakhon, one additional repeat vote will be held in Nonthaburi because all of its candidates were disqualified before the April 2 race. The high number of spoiled ballots is widely reported to reflect additional protest votes against the ruling TRT and the PM, with many ballots defaced with expressions from the merely rude to the outright obscene. Many were also reportedly left blank, perhaps by voters confused by the redesigned ballot, which had moved the "no vote" block to a different part of the form. In last year's election, 2.9 percent of the party list ballots were spoiled, and 6 percent of the constituency -- in each case, less than half of the rate this year.

PLEASE DON'T RUN...

16. (C) Candidate registrations over the weekend for the by-elections closed with 94 candidates running in 39 constituencies. As of April 11, there are at least 11 constituencies in the South having a sole TRT candidate running again on April 23. (Comment: The number of sole TRT candidate constituencies may increase as the week progresses as the EC checks each candidate his or her qualifications. End Comment.) Would-be microparty candidates in the southern provinces of Songkhla and Phuket were greeted by hordes of people outside the local election offices - some kneeling and "kowitz-ing" - pleading for them abstain from registering for the elections. While the crowd reportedly succeeded in keeping new candidates from registering in four of the constituencies in Songkhla, other candidates who did register were sent off with verbal abuse from the crowd.

BRING IN THE REFEREES:

17. (C) There has been remarkably little concern in the public about the long delay in the release of official election results. This may be, in part, due to the many challenges to the vote and attempts to have the entire process either blocked or annulled. Below are a selection of the growing number of cases being brought to the courts regarding the election.

RIGHT TO SECRECY

18. (U) The Democrat Party (DP) has filed a complaint against the EC with the Administrative Court for violating Section 105 of the Constitution, which guarantees a person the right to direct suffrage and secret balloting. The DP maintains that the EC "mis-positioned" the voting booths, enabling the election officials to see how a person voted while at the booth. (The booths were positioned so that the voter's back was to the polling station, rather than having his back to the wall.) One Democrat speculated that the Administrative Court might annul the elections over this issue. (Comment: This seems unlikely, but it is getting hard to rule out anything in this unprecedented situation. End Comment.) The EC announced yesterday that it will revert to back to the previous arrangement for the April 19 Senate elections. Although none of our observers saw anyone monitoring voters, the position of the booth clearly permitted such monitoring in some places, including a few where even we could see the ballot papers being marked. International poll monitoring organization ANFREL circulated a video in which the cameras clearly recorded the votes of several prominent figures, including the PM's wife (no surprise -- she voted for TRT.) The People's Alliance for Democracy reportedly is also petitioning the Administrative Court calling for the elections to be annulled, based on the same shortcomings.

RIGHT TO REGISTER NEW CANDIDATES

19. (U) The DP also filed an objection to the Administrative Court over the EC's decision to register new candidates for the rerun election on April 23. The DP maintains that this decision must be implemented by a royal decree, and not simply a order by the EC. They also claim that the EC cannot prepare the re-voting in constituencies before it has even announced the results of the initial polling, since it is not yet "official" that the revote is needed. The EC claims it has the right to order such adjustments in procedure in order to have a successful outcome to the polling.

CONSTITUENCY-HOPPING

110. (U) The DP found that six of the microparties in twelve constituencies "hopped" from their original registered constituency on April 2 to another during the candidate registrations for the April 23 round. They claim that the candidates "hopped" to constituencies where the TRT party candidate would otherwise run unopposed, thus showing that

they are not real candidates, but are only running to help TRT evade the 20 percent rule. There does not seem to be any legal obstacle to this practice, however.

COMMENT

11. (C) The troubles faced by this election are not over yet. The long delay in announcing results is a source of concern, but many may see the results as moot, given Thaksin's political "break" and the unclear path forward to seating a Parliament resulting from this vote. Despite the opposition suspicions of the EC, it has made a number of decisions that ran counter to TRT interests, most importantly the disqualification of microparty candidates in many places.

However, the EC's efforts to finish the election process, one way or another, tend to be seen as benefiting TRT. The Administrative Court is one of the few independent bodies that still has any reputation for impartiality, and its decisions could have a big impact. The ruling on permitting the registration of new candidates may come as soon as April

12. Although we do not believe that the voting booths were positioned with the intent to intimidate voters, this simple mistake may be one of the shortcomings of the election which is easiest to prove and litigate, and therefore most damaging. End comment.

BOYCE